

U.S. Patent Application Serial No. 10/798,889  
Amendment filed October 3, 2007  
Reply to OA dated May 4, 2007

**REMARKS**

Claims 1-8 are currently pending. Claims 1-5 and 8 are currently being considered. Claims 6 and 7 have been withdrawn from consideration.

The Examiner has rejected claims 1-3 under 35 U.S.C. § 103(a) as unpatentable over Applicants' Admitted Prior Art (hereafter, "AAPA") in view of U.S. Patent 4,660,266 to Horn (hereafter, "Horn").

Applicants respectfully traverse this rejection, for the following reasons.

The Examiner has admitted that AAPA does not disclose forming the bearing member by casting a primary cylindrical workpiece in a mold and dividing the primary workpiece into halves along a center line to obtain two substantially equivalent secondary workpieces for forming two equivalent bearing members.

The Examiner has relied on **Horn** in an attempt to remedy this deficiency.

**Horn** contains FIG. 1 which shows upper and lower members which look like identical members split into two from a single member. However, they are not members split into two along their planar surfaces facing each other.

**Horn** discloses a split flange connector used for pipe or hose connections. A rod-shaped elongated strand is first prepared. This strand is rolled into a bar having a cross-sectional shape as shown in the upper half of FIG. 1, the cross-sectional shape having a semicircular recess and two coplanar surfaces on the opposite sides of the semicircular recess. The bar having the cross-sectional shape shown in the upper half of FIG. 1 is cut perpendicularly to the longitudinal direction of the bar. This means that the bar is cut at cutting lines at a predetermined pitch along the length of the bar into a plurality of identical sections of a predetermined length. Two of the thus obtained identical sections are arranged with their semicircular recesses and their coplanar surfaces opposed or facing as shown in FIG. 1, and then the two identical sections are assembled by engaging clamps 2 into slots 3 formed in the opposite side surfaces of the sections. When the two identical sections are assembled, a pipe or hose connector having a bore therein is formed.

Claim 1 sets forth, *inter alia*:

a casting step of forming, in a mold, a primary workpiece having at least one semifinished workpiece including one first workpiece having a cylindrical inside surface serving as the bearing surface, and one second workpiece integrally combined with the first workpiece, by combining the first workpiece and the second workpiece within the mold; and a dividing step of dividing the primary workpiece removed from the mold into halves along a center plane including a center axis of the inside surface to obtain two substantially equivalent secondary workpieces for forming two equivalent bearing members.

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It is apparent that the above features of claim 1 are not taught by **Horn**. Even if **Horn** is combined with the Admitted Prior Art, the features set forth in claim 1 will not be described, taught, or suggested.

When the Examiner fails to establish a *prima facie* case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

There are substantial, important differences between the art relied upon by the Examiner and the features set forth in the claims at issue.

For example, regarding claim 1:

**Horn** and **AAPA**, alone or in combination, fail to describe, teach, or suggest the following features set forth in claim 1:

a casting step of forming, in a mold, a primary workpiece having at least one semifinished workpiece including one first workpiece having a cylindrical inside surface serving as the bearing surface, and one second workpiece integrally combined with the first workpiece, by combining the first workpiece and the second workpiece within the mold; and a dividing step of dividing the primary workpiece removed from the mold into halves along a center plane including a center axis of the inside surface to obtain two substantially equivalent secondary workpieces for forming two equivalent bearing members.

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Applicants submit that it would not have been obvious to combine/modify **Horn** and **AAPA** in order to arrive at the features set forth in claim 1.

In view of the above, the Examiner has not yet established a *prima facie* case of obviousness. But it is the burden of the Examiner to do so. The U.S. Patent and Trademark Office has the burden of proof to show that an applicant is not entitled to a patent if the claimed subject matter is anticipated by, or is obvious from, the art of record. A patent applicant is entitled to a patent "unless" the U.S. Patent and Trademark Office establishes otherwise. See, e.g., *In re Dembiczak*, 175 F.3d 994, 1001 (Fed. Cir. 1999); *In re Epstein*, 32 F.3d 1559, 1564 (Fed. Cir. 1994); *In re Rijckeart*, 9 F.3d 1551, 1552 (Fed. Cir. 1992); *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988).

In view of the foregoing remarks, it is respectfully believed that essential elements of a *prima facie* case of obviousness are missing. The art does not describe, teach, or suggest the combinations of features as set forth in claim 1. Applicants respectfully submit that the Examiner has not established a *prima facie* case regarding claim 1.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 1 should be withdrawn. It is submitted that this rejection of claims 2 and 3 should be withdrawn by virtue of their dependency.

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The Examiner has rejected claim 4 under 35 U.S.C. § 103(a) as unpatentable over AAPA in view of DE 19959540 to Beyer-Steinhauer et al. (hereafter, "**Beyer-Steinhauer et al.**").

Applicants respectfully traverse this rejection, for the following reasons.

There are substantial, important differences between the art relied upon by the Examiner and the features set forth in the claims at issue.

For example, regarding claim 1:

**AAPA** and **Beyer-Steinhauer et al.**, alone or in combination, fail to describe, teach, or suggest the following features set forth in claim 1:

a casting step of forming, in a mold, a primary workpiece having at least one semifinished workpiece including one first workpiece having a cylindrical inside surface serving as the bearing surface, and one second workpiece integrally combined with the first workpiece, by combining the first workpiece and the second workpiece within the mold; and a dividing step of dividing the primary workpiece removed from the mold into halves along a center plane including a center axis of the inside surface to obtain two substantially equivalent secondary workpieces for forming two equivalent bearing members.

Applicants submit that it would not have been obvious to combine/modify **AAPA** and **Beyer-Steinhauer et al.** in order to arrive at the features set forth in claim 1.

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In view of the above, the Examiner has not yet established a *prima facie* case of obviousness. But it is the burden of the Examiner to do so. The U.S. Patent and Trademark Office has the burden of proof to show that an applicant is not entitled to a patent if the claimed subject matter is anticipated by, or is obvious from, the art of record. A patent applicant is entitled to a patent "unless" the U.S. Patent and Trademark Office establishes otherwise.

In view of the foregoing remarks, it is respectfully believed that essential elements of a *prima facie* case of obviousness are missing. The art does not describe, teach, or suggest the combinations of features as set forth in claim 1. Applicants respectfully submit that the Examiner has not established a *prima facie* case regarding claim 1.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 4 should be withdrawn by virtue of its dependency.

In view of the above, Applicants respectfully submit that the art relied upon by the Examiner fails to describe, teach, or suggest the features set forth in claims 5 and 8 by virtue of their dependency.

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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosure: Petition for Extension of Time (two months)